

REMARKS

In this Response, claims 1, 12, 19, 23, and 26 are amended, which are fully supported by the originally filed application. Claims 1-28 are presented for examination.

Rejections Under 35 U.S.C. § 103

Claims 12-18 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moroney et al. (US 6,532,593), and further in view of Greenwood et al (US 2003/0198458). The applicant traverses the rejection for the following reasons.

Claim 12 recites

receiving a first program;

first converting the first program into a first higher quality copy and a first lower quality copy, and storing the first higher and lower quality copies in a storage;

determining there is insufficient space in the storage for storing a second higher quality copy for a second program; and

deleting at least one of the first higher quality copy and the first lower quality copy to make room within the storage for storing the second higher quality copy.

Thus, claim 12 recites converting the received program into a higher quality copy and a lower quality copy, and storing both the higher and the lower quality copies in storage. The Examiner alleges that Moroney discloses receiving a compressed digital programming and at block 310 (Fig. 3), a buffered data corresponding to the received digital programming is transcoded based on a user input, which the Examiner equates to the recited *converting the first program into a first higher quality copy and a first lower quality copy*.

Moroney discloses transcoding and storing a received digital programming at one of a plurality of quality levels (e.g., high, medium, low, etc) based optionally on a user input, thereby resulting in a savings of disk space required to store the program. For example, a user may be asked to select a quality of recording (i.e., transcoding and storing), e.g., high, medium, or low.¹

¹ Moroney, col. 7, lines 66-67.

The user may dynamically change the quality level as the transcoding is in progress,² or may even select different quality levels for different portions of the programming.³

Moroney, however, discloses transcoding and storing only a single copy of the received programming at a desired quality level. No where does Moroney disclose or even suggest transcoding and storing two different copies of the same programming (e.g., storing a high level and a medium level transcoded copy). In contrast, the claim recites *first converting the first program into a first higher quality copy and a first lower quality copy, and storing the first higher and lower quality copies in storage*. Moroney does not disclose or suggest transcoding the received programming into a higher quality and a lower quality copy, and storing both the higher and the lower quality copies. Additionally, as Moroney aims to save disk space, Moroney would not have any motivation or reason to transcode and store two different copies of the same programming, having different quality levels.

On the other hand, the Greenwood reference discloses storing video contents on a storage device 150 (Fig. 1)⁴ and selectively reducing a quality level of stored content.⁵ For example, when the storage in Greenwood's system tends to be full, selected programming content is converted to a lower quality based on priority or age.⁶ Greenwood, however, is totally silent about converting a received program into a higher and a lower quality copy, and storing the two copies. Rather, Greenwood stores a programming content as received (without any conversion in its quality); and if necessary (e.g., due to shortage in storage space), converts a stored programming content into a lower quality content. Further, as Greenwood aims to save storage space, Greenwood would have no reason or motivation to store both a high quality and low quality copy of the same program.

For at least this reason, neither Moroney nor Greenwood, alone or combined, discloses or suggests the claimed recitation, and accordingly, claim 12 is in condition for allowance, along with associated dependent claims 13-18.

Independent claim 26 includes features similar to those discussed with respect to claim

² Moroney, col. 8, lines 35-36.

³ Moroney, col. 6, lines 11-13.

⁴ Greenwood, paragraph [0015], lines 1-2.

⁵ Greenwood, paragraph [0005].

12. Accordingly, for at least the previously discussed reasons, claim 26 is in condition for allowance, along with associated dependent claims 27-28.

Independent claim 1 has been amended to recite *converting the first digital copy into a second digital copy having a second quality level of lesser quality than the first quality level; storing the second digital copy along with the first digital copy*. Accordingly, for at least the reasons previously discussed with respect to claim 12, claim 1 is in condition for allowance, along with associated dependent claims 2-11.

Independent claims 19 and 23 have been amended to include features similar to those discussed with respect to claim 1. Accordingly, for at least the previously discussed reasons, independent claims 19 and 23 are in condition for allowance, along with associated dependent claims 20-22 and 24-25.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-11 and 19-25 are rejected under 35 USC § 102(b) as being anticipated by Greenwood et al. The applicant respectfully submits that Greenwood is not a 102(b) reference, as Greenwood was not published more than one year prior to the date of the instant application for patent. Nonetheless, the applicant addresses the Examiner's rejection assuming Greenwood to be a prior art under 102(e).

In view of the amendments to the independent claims 1, 19 and 23 and above discussion, the applicant believes that claims 1, 19 and 23 and associated dependent claims 2-11, 20-22, and 24-25 are patentable over Moroney and/or Greenwood, thereby rendering the objection under § 102 over Greenwood moot.

⁶ *Id.*

Conclusion

For these reasons, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 796-2883. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

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